

Amendment No. 1 to HB1155

Howell
Signature of Sponsor

AMEND Senate Bill No. 1612

House Bill No. 1155*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 9, is amended by adding the following as a new section:

(a) Any person engaged in the business of buying or selling unattached catalytic converters as a single item and not as part of a scrapped motor vehicle shall give written notification to the chief of police and sheriff of each city and county in which the activity is carried on.

(b) Any person purchasing a used, detached catalytic converter must be registered as a scrap metal dealer pursuant to § 62-9-102.

(c) This section does not apply to a used, detached catalytic converter that has been tested, certified, and labeled, or otherwise approved for reuse, and being bought or sold for purposes of reuse, in accordance with the federal Clean Air Act (42 U.S.C. §§ 7401 et seq.) and regulations under the Clean Air Act, as they may, from time to time, be amended.

(d) A scrap metal dealer shall not purchase or otherwise acquire a used, detached catalytic converter, or any nonferrous metal part of such converter unless:

(1) The used, detached catalytic converter is purchased at the fixed site of the scrap metal dealer in an in-person transaction; or

(2) The scrap metal dealer:

(A) Maintains a fixed site;

(B) Obtains, verifies, and maintains all identification and documentation required by §§ 62-9-103 and 62-9-104; and

(C) Obtains and maintains a copy of the seller's license or a copy of the documentation and vehicle registration.

(e) A used, detached catalytic converter or any part of such converter must not be shipped, unless the converter or part of such converter is being shipped between licensed entities.

(f) A scrap metal dealer shall note in the scrap metal dealer's records any obvious markings on the used, detached catalytic converter, including paint, labels, and engravings, that would aid in the identification of such catalytic converter.

(g) Only the following persons who provide notice pursuant to subsection (a) may possess or sell used, detached catalytic converters:

(1) A motor vehicle dismantler and recycler required to be licensed pursuant to § 55-17-109;

(2) A scrap metal dealer registered pursuant to § 62-9-102;

(3) A licensed motor vehicle dealer;

(4) A licensed mechanic or licensed automotive repair facility;

(5) Any other licensed business that may reasonably generate, possess, or sell used, detached catalytic converters; or

(6) An individual who possesses documentation indicating that the catalytic converter in the individual's possession is the result of a replacement of a catalytic converter from a vehicle registered in that individual's name.

(h)

(1) A person commits an offense who possesses a used, detached catalytic converter that the person did not have authorization to possess under subsection (g). Such person is presumed to be in possession of contraband, subject to seizure by a member of a state or local law enforcement agency and

subject to forfeiture in the same manner as is provided by law for the forfeiture of other contraband items.

(2) A violation of subdivision (h)(1) is a Class A misdemeanor, punishable only by fine. Each unlawfully obtained or possessed used, detached catalytic converter subjects the person to a separate charge for each violation. The seller of a used, detached catalytic converter that has been stolen is also liable to the victim for the repair and replacement of the catalytic converter as may be ordered by the court or as otherwise provided by law.

(i) Notwithstanding this section to the contrary, this section does not prohibit a motor vehicle dismantler and recycler that is properly licensed pursuant to § 55-17-109, or a registered scrap metal dealer, from transporting and selling used, detached catalytic converters to a processor, smelter, or refiner, for the recovery of the contained metals or other components in the converters.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.